

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4180 OF 2017

(Delay Condonation)

IN

FIRST APPEAL (ST) NO. 30571 OF 2017

M/s. Sanjona Builders

...Applicant

Versus

Mayank Hiralal Gandhi

...Respondent

Mr. Niranjan B. Amin, I/b B. Amin & Co., for the Applicant.

Mr. Tejas P. Shah, I/b Narayanan & Narayanan, for the
Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 12th March, 2019

PC:-

1. Heard, Mr. Amin, the learned Counsel for the Applicant and Mr. Shah, the learned Counsel for the Respondent.

2. This application is preferred to condone the delay of 18 days in filing the appeal against the decree passed by the learned Judge, City Civil Court, Greater Bombay, in S.C. Suit No.4337 of 2011 (H.C. Suit No.2284 of 2011), dated 23rd August, 2017.

3. The applicant avers that the delay occurred as the applicant was in the process of deciding the Advocate to whom the matter should be entrusted for filing the appeal. The learned Counsel for the Respondent urged that the reasons stated in the application are not worthy of

acceptance and do not constitute a sufficient cause for condonation of delay.

4. From the perusal of record, it becomes evident that, the delay is of only 18 days. The reason assigned in the application that the applicant was in the process of deciding the Advocate to whom the matter should be entrusted cannot be said to be unreasonable, especially, when an order adverse to the interest of the applicant was passed. Even otherwise, the Court is expected to lean in favour of condonation of delay so as to advance cause of substantial justice.

Hence, the following order:

- (i) The Application stands allowed in terms of prayer Clause (a).
- (ii) The delay in filing the appeal stands condoned.
- (iii) The appeal be registered.

[N. J. JAMADAR, J.]